

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #13	CCRB Case #: 201605566	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/20/2016 6:57 PM	Location of Incident: [REDACTED]	Precinct: 83	18 Mo. SOL 12/20/2017	EO SOL 12/20/2017	
Date/Time CV Reported Mon, 06/20/2016 8:45 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/27/2016 11:19 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Allan Ward	31333	949783	NARCBBN
2. Officers			
3. POM Jamar Goddard	10440	948033	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Alejandro Villalona	25443	947866	NARCBBN
2. LT Cassandra Whitaker	00000	899989	NARCBBN
3. POM Thomas Coleman	29737	953765	083 PCT
4. POM Daniel Pagan	15375	957000	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Allan Ward	Abuse: PO Allan Ward stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POM Jamar Goddard	Abuse: PO Jamar Goddard stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
C.POM Jamar Goddard	Discourtesy: PO Jamar Goddard spoke discourteously to § 87(2)(b) and § 87(2)(b)	[REDACTED]
D.POM Jamar Goddard	Force: PO Jamar Goddard pointed his gun at § 87(2)(b)	[REDACTED]
E.POM Allan Ward	Force: PO Allan Ward pointed his gun at § 87(2)(b) and § 87(2)(b)	[REDACTED]
F. Officers	Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)	[REDACTED]
G. Officers	Abuse: Officers searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
H.POM Allan Ward	Abuse: PO Allan Ward searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
I.POM Jamar Goddard	Abuse: PO Jamar Goddard searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]

Case Summary

On June 20, 2016, § 87(2)(b) filed this complaint over the phone with the Internal Affairs Bureau, on behalf of herself and § 87(2)(b) her boyfriend. It was referred to the CCRB and received on June 27, 2016, under log number 16-22456.

On June 20, 2016, at approximately 6:57 p.m., § 87(2)(b) and § 87(2)(b) were in § 87(2)(b)'s car, a dark gray 2013 Honda Civic with New York plates, driving down Evergreen Avenue, in Brooklyn. Two officers, PO Allan Ward and PO Jamar Goddard, of Brooklyn North Narcotics, travelling in an unmarked van, attempted to stop them at the intersection with Madison Street (**Allegations A and B**). When he approached § 87(2)(b) PO Goddard allegedly said, "Do you know who the fuck I am? Do you know what the fuck you're doing?" (**Allegation C**). § 87(2)(b) drove away when the officers approached, and the officers pursued. § 87(2)(b) was eventually stopped by the officers when he drove up behind a marked police car. PO Goddard, PO Ward, and the unidentified officers from the marked car, all exited their vehicle and approached § 87(2)(b) and § 87(2)(b) with their guns pointed at them (**Allegations D, E and F**).

§ 87(2)(b) and § 87(2)(b) were removed from their car and placed in handcuffs. The car was then searched by PO Ward, PO Goddard, and the unidentified officers (**Allegations G, H, and I**). Several patrol officers arrived on the scene, including PO Thomas Coleman and PO Daniel Pagan, of the 83rd Precinct. The assigned arresting officer for the narcotics team, PO Alejandro Villalona, arrived on the scene and § 87(2)(b) was arrested and charged with criminal possession of marijuana, unlawful possession of marijuana, tampering with evidence, and running a red light. § 87(2)(b) was arrested and charged with criminal possession of marijuana.

Mediation, Civil and Criminal Histories

- Due to the arrests of § 87(2)(b) and § 87(2)(b) this case was not eligible for mediation.
- As of September 28, 2016, no Notice of Claim related to this incident has been filed with the NYC Comptroller's Office (Board Review 01).
- As of December 5, 2016, the Office of Court Administration shows no record or any criminal conviction for § 87(2)(b) (Board Review 02).

- § 87(2)(b)
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (Board Review 04).
- PO Ward has been the subject of eleven other CCRB allegations across five cases during his six year tenure with the NYPD. None the allegations have been substantiated; two of them were allegations of improper stops (Board Review 05).
- PO Goddard has been the subject of fifteen other CCRB allegations across seven cases during his seven year tenure with the NYPD. He has been the subject of two prior discourtesy complaints, which were closed as complainant uncooperative and

unsubstantiated, and one other allegation of an improper stop, that was unsubstantiated. Two of the allegations against PO Goddard have been substantiated (Board Review 06):

- In case 201112501, an allegation of an improper stop and improper search was substantiated against PO Goddard, § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

- The investigation was unable to identify the uniformed officers who were initially present at the incident when PO Ward and PO Goddard stopped § 87(2)(b) and § 87(2)(b). There are several reasons for this:
 - § 87(2)(b) could not describe these officers, and they could not be identified through the descriptions provided by § 87(2)(b). She was able to provide a badge number she read off one of the officers during the incident; however, neither the badge number she provided nor any close variations of it matched an officer that was working at the time.
 - Neither PO Ward, nor PO Goddard, nor PO Villanova (Board Review 15) could identify the other officers who were present for the stop.
 - The only documentation related to the incident that mentioned officers not assigned to the narcotics command was the event generated by the incident (Board Review 07). The event identifies only one patrol unit from the 83rd Precinct as having responded: sector I. When the officers assigned to sector I, PO Coleman (Board Review 08) and PO Pagan (Board Review 09), were interviewed, they stated that they only responded to the incident after the stop had occurred, and they could not recall what other officers were present.

Allegation A – Abuse of Authority: PO Allan Ward stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: PO Jamar Goddard stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b), § 87(2)(g) (Board Review 10) and § 87(2)(b) (Board Review 11) consistently stated that they were driving down Evergreen Avenue, a one lane road, and obeying all traffic signs and signals. PO Ward and PO Goddard drove behind them, honking their horn and swerving to pass them. The van did not have any police markings on it, and § 87(2)(b) and § 87(2)(b) did not suspect that it was a police vehicle. § 87(2)(b) would not let the van pass, as he believed that they were just being rude drivers.

Eventually, the van pulled ahead of them and cut them off when they were stopped at an intersection. PO Ward and PO Goddard got out of the car and approached them. § 87(2)(b) and § 87(2)(b) both stated in their CCRB interviews that they did not see badges on the officers, and did not think that they were police officers; however, when § 87(2)(b) called 911 during the incident, she identified the people stopping her as in an “unmarked cop car” (Board Review 12). This contradicts her statement to the CCRB, in which she said that she called 911 before she knew that PO Ward and PO Goddard were police officers. § 87(2)(b) and § 87(2)(b)

admitted that they had a small quantity of marijuana inside the car's closed center console, but denied that they had any out in the open, and denied having smoked any marijuana that day.

PO Ward (Board Review 13) stated that he was attempting to pass § 87(2)(b) on Evergreen Avenue as he had received a call about prisoners they needed to pick up. The prisoner van is not equipped with light or sirens. When they pulled up alongside § 87(2)(b) to pass him, both he and PO Goddard detected the strong odor of marijuana and saw § 87(2)(b) smoking a lit marijuana cigarette. § 87(2)(b) then cut them off, driving through a steady red light, and refused to let them pass by constantly swerving in front of them. They followed him, with PO Goddard leaning out the window and holding up his badge to identify themselves as police officers. PO Ward did not initially intend to arrest § 87(2)(b) and § 87(2)(b) or issue them summonses, but they did decide to stop the car to issue them a warning.

PO Goddard (Board Review 14) corroborated that § 87(2)(b) ran a red light, was smoking marijuana, and refused to let the officers pass. He also corroborated that he identified himself as a police officer prior to the stop, by leaning out the window and holding up his badge. However, PO Goddard stated that § 87(2)(b) was initially behind them, and had pulled in front to cut them off. He also stated that he and PO Ward were just headed to the stationhouse, not responding to a call to pick up prisoners. No other officers were present during this part of the incident.

§ 87(2)(b), § 87(2)(g)

Allegation C – Discourtesy: PO Jamar Goddard spoke discourteously to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both alleged that PO Goddard approached their vehicle saying, “Do you know who the fuck I am? Do you know who the fuck you’re messing with?” Later in the incident, § 87(2)(b) alleged that PO Goddard said, “I told you not to fuck with me, what the fuck did I say?”

PO Goddard denied that he made these statements. PO Ward stated that they were upset with § 87(2)(b) during the incident, and spoke, “authoritatively,” however, he could not recall PO Goddard using any profanity. PO Villalona, PO Coleman, and PO Pagan denied hearing PO Goddard using profanity during the incident.

§ 87(2)(b), § 87(2)(g)

Allegation D – Force: PO Jamar Goddard pointed his gun at § 87(2)(b)

Allegation E – Force: PO Allan Ward pointed his gun at § 87(2)(b) and § 87(2)(b)

It is undisputed that PO Goddard, PO Ward, and other unidentified officers present pointed their guns at § 87(2)(b) and § 87(2)(b) during the car stop.

§ 87(2)(b) and § 87(2)(b) stated that they fled PO Ward and PO Goddard at the initial stop, fearing that they were being robbed or assaulted. They drove several blocks traveling at a high rate of speed before stopping behind a marked car, who they thought would help them.

PO Ward and PO Goddard both consistently stated that they were concerned for their safety after § 87(2)(b) had driven away from them the first time, as he could have run them over. They also stated that § 87(2)(b) had been throwing objects out of the windows of his vehicle as he drove away, which they suspected to be drugs. Because of this, and because § 87(2)(b) had been driving erratically, they removed their firearms and pointed them at the car.

Patrol Guide Procedure 221-01 recommends that officers display or draw their firearms when they have an, “articulable belief that the potential for serious physical injury is present,” (Board Review 16). § 87(2)(b), § 87(2)(g)

Allegation F – Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)

Allegation G – Abuse of Authority: Officers searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) and § 87(2)(b) alleged that several uniformed officers who initially approached their car pointed their guns at them and then later entered their car and searched it. None of the officers interviewed could recall uniformed officers pointing their guns or searching the vehicle, or identify the uniformed officers who were initially present at the location.

§ 87(2)(g)

Allegation H – Abuse of Authority: PO Allan Ward searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation I – Abuse of Authority: PO Jamar Goddard searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that PO Goddard and PO Ward conducted a search of § 87(2)(b)'s vehicle; § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both denied smoking inside their car. They both admitted that there was a small quantity of marijuana in the closed center console compartment of the car. After the officers began searching the car, PO Goddard asked § 87(2)(b) if there were drugs in the car, and he admitted that there was a quantity of marijuana inside the car. Officers continued to look through the car, around and under the seats.

Both PO Ward and PO Goddard stated that they observed § 87(2)(b) and § 87(2)(b) with a lit marijuana cigarette inside their car as they drove. They both stated that the car was searched at the scene; however, neither could provide details of the search. PO Ward could not recall what parts of the car he searched, but said that the search was “limited” and he entered only after seeing marijuana in plain view. He could not recall where he saw the marijuana, or at what point, but noted that he saw marijuana in the car at several moments.

PO Goddard stated a search of the car was conducted after the arrest. He stated that he observed marijuana in plain view prior to the search, in the center console area of the car. Then, because they suspected them of having more drugs and possibly a gun, they searched in and around the seats in the back seat and front seat. They suspected that there may be more drugs in the car because of seeing drugs in the car in plain view and because § 87(2)(b) had thrown something from the moving vehicle. They suspected there may be a gun in the car because § 87(2)(b) had attempted to flee them and, in PO Goddard’s experience, people generally do not flee police officers over fear of a marijuana related charge, which is relatively minor.

Officers are permitted to search a vehicle without a warrant if they have probable cause to believe that there is a weapon or contraband inside. United States v. Ross, 456 U.S. 798 (1982) (Board Review 17).

§ 87(2)(b), § 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date